

## TEMPLATE POLICY PAGE

Category:	Sexual Crime
Country:	Hungary
Year:	/

<b>Main policy page:</b>	<p>Hungary's criminal policy endeavors to strengthen security, law and order, to reduce crime, mitigate the negative impact of committed offences and to provide protection for families and individuals, ultimately to improve citizens' sense of security. The new national strategy of social prevention of crime elaborated by the National Crime Prevention Council has been brought into force on 18 October 2013 by Governmental resolution no. 1744/2013 on the <b>National Crime Prevention Strategy (2013-2023)</b>. By taking into consideration the current national and international situation in the field of crime prevention, the Strategy sets out the necessary legislative, organizational development, training tasks for the next ten years as well as public awareness programs and the possibilities of promoting societal actions in the area of crime prevention. The priorities, measures, intervention areas specified in the Strategy contribute to the achievement of the above mentioned objectives of criminal policy, as well as to the reduction of vulnerability of children and youth, to the reduction of victimization and the avoidance of repetition of offences.</p> <p>There were changes of great importance in relevant legislation in the last ten years: there is a possibility for issuing a protection order during the criminal proceedings (since 2006 due to the amendment of the Act XIX of 1998 on Criminal Proceedings); also provisional preventive and preventive protection orders might be issued before or instead of criminal proceedings (under Act LXXII of 2009 on protection order because of violence among relatives); and finally the new Criminal Code of Hungary (Act C of 2012 on the Criminal Code which entered into force on the 1st July, 2013) re-regulated the provisions on sexual crime. The most serious sexual crimes are <i>sexual exploitation, sexual violence, sexual abuse</i> and – as for child victims – <i>exploitation of child prostitution and child pornography</i>.</p> <p>Since 2006 a state-funded Victim Support Service has been operating in Hungary. The Service consists of the Victim Support Unit of Office of Justice and local victim support services at county seats (all over the country). The Service can provide financial, legal, psychological and practical support – not exclusively, but for victims of sexual crimes as well.</p> <p>Moreover, there are NGOs supporting victims of sexual crimes. ESZTER Foundation (Ambulance – Help for Victims of Sexual Violence) should be mentioned here which provides complex psychological assistance for these victims.</p> <p>(More information: <a href="http://www.bunmegelozes.info">http://www.bunmegelozes.info</a>)</p> <p><b>Contact details:</b> <a href="mailto:franciska.kovari@bm.gov.hu">franciska.kovari@bm.gov.hu</a> (European Cooperation Department – Ministry of Interior, Hungary) <a href="mailto:zsofia.toth@bm.gov.hu">zsofia.toth@bm.gov.hu</a> (European Cooperation Department – Ministry of Interior,</p>
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	Hungary)
<b>Relevant legislation:</b>	<p><b>Act C of 2012 on the Criminal Code</b>  (English translation exists, but available only in Hungarian on-line:  <a href="http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1200100.TV&amp;celpara=#xcelparam">http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1200100.TV&amp;celpara=#xcelparam</a>)</p> <p>The Special Part of the new Criminal Code of Hungary (Act C of 2012 on the Criminal Code which entered into force on the 1st July, 2013) contains the sexual crimes in Chapter XIX (Sexual Freedom and Sexual Offences). These crimes are the following: <i>sexual exploitation, sexual violence, sexual abuse, incest, pandering, procuring for prostitution or sexual act, living on earnings of prostitution, exploitation of child prostitution, child pornography, indecent exposure</i>. The most serious non-consensual crimes among these are <i>sexual exploitation, sexual violence and sexual abuse</i>.</p> <p><b>Sexual exploitation</b>  <i>Section 196.</i></p> <p>(1) Any person who forces another person to perform or tolerate sexual activities is guilty of a felony punishable by imprisonment between one to five years.</p> <p>(2) The penalty for sexual exploitation shall be imprisonment between two to eight years if committed:</p> <ul style="list-style-type: none"> <li>a) <i>against a person under the age of eighteen years;</i></li> <li>b) by a family member or against a person who is in the care, custody or supervision of or receives medical treatment from, such family member, or if abuse is made of a recognized position of trust, authority or influence over the victim.</li> </ul> <p>(3) The penalty shall be imprisonment between five to ten years if sexual exploitation is committed against a person under the age of fourteen years.</p> <p><b>Sexual violence</b>  <i>Section 197.</i></p> <p>(1) Sexual violence is a felony punishable by imprisonment between two to eight years if committed:</p> <ul style="list-style-type: none"> <li>a) by force or threat against the life or bodily integrity of the victim;</li> <li>b) by exploiting a person who is incapable of self-defense or unable to express his will, for the purpose of sexual acts.</li> </ul> <p>(2) Sexual violence shall also include, and the penalty shall be imprisonment between five to ten years if the perpetrator commits a sexual act upon a person under the age of twelve years, or forces such person to perform a sexual act.</p> <p>(3) The penalty shall be imprisonment between five to ten years if the criminal act described in Subsection (1) is committed:</p> <ul style="list-style-type: none"> <li>a) <i>against a person under the age of eighteen years;</i></li> </ul>

- b) by a family member or against a person who is in the care, custody or supervision of or receives medical treatment from, such family member, or if abuse is made of a recognized position of trust, authority or influence over the victim; or
- c) by more than one person on the same occasion, in full knowledge of each other's acts.

(4) The penalty shall be imprisonment between five to fifteen years if:

- a) the criminal offense defined in Paragraph a) of Subsection (1) and in Paragraph b) or c) of Subsection (3) is committed against a person under the age of twelve years; or
- b) the provisions of Paragraph b) or c) of Subsection (3) also apply to the criminal offense defined in Paragraph a) of Subsection (3).

(5) Any person who provides the means necessary for or facilitating the commission of sexual violence is guilty of a felony punishable by imprisonment not exceeding three years.

### **Sexual abuse**

*Section 198.*

(1) Any person who engages in sexual activities with a person under the age of fourteen years, or persuades such person to engage in sexual activities with another person is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person over the age of eighteen years who attempts to persuade a person under the age of fourteen years to engage in sexual activities with him or with another person is punishable by imprisonment not exceeding three years.

(3) If the victim is a family member of the perpetrator, or is in the care, custody or supervision of or receives medical treatment from, the perpetrator, or if the sexual abuse is made of a recognized position of trust, authority or influence over the victim, the penalty shall be:

- a) imprisonment between two to eight years in the case defined in Subsection (1);
- b) imprisonment between one to five years in the case defined in Subsection (2).

(4) Any person over the age of eighteen years who engages in sexual activities with a person over the age of fourteen years and under the age of eighteen years where abuse is made of a recognized position of trust, authority or influence over such person is punishable by imprisonment not exceeding three years.

/Please note that previously, Act IV of 1978 on the Criminal Code regulated sexual crimes under the title of Crimes Against Sexual Morality in Chapter XIV (Crimes

Against Connubiality, Family and Youth) in the Special Part of the Act. The most serious sexual crimes were *rape, sexual assault and sexual abuse of children.*

### **Act XIX of 1998 on Criminal Proceedings**

(English translation exists, but available only in Hungarian on-line:  
[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=99800019.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=99800019.TV))

The amendment of the Act on Criminal Proceedings which came into effect on the 1st July, 2006 provides the possibility of issuing a protection order (exclusion order). Based on the decision of the court, the offender could be excluded from the victim's surroundings **for at least 10 but maximum 60 days.**

#### **Protection order**

##### **Section 138/A.**

(1) Protection order restricts the right of the defendant to free movement and free choice of stay. The defendant subject to the scope of protection order shall be obliged, in conformity with the rules provided in the relevant decision of the court, to

- a) *leave the specific dwelling and keep away from it for a period set by the court,*
- b) keep away from the specific person, further, from the place of residence and place of work of this person, the pedagogical and pedagogical/educational institution visited by this person, the health institution frequently visited for medical treatment, the building frequently visited for practising his religion, for a period set by the court,
- c) abstain from getting, whether directly or indirectly, in contact with the specific person.

(2) Upon the reasonable suspicion of a criminal offence punishable with imprisonment, protection order shall be issued – provided the aims intended to be achieved by way of protection order can thus be ensured – if the pre-trial detention of the defendant does not need to be ordered, however, it is reasonably assumed – especially with regard to the nature of the criminal offence, the behaviour of the defendant prior to and during the procedure, as well as the relationship between the defendant and the victim – that if the defendant were left in his residential environment

- a) he would frustrate, complicate or endanger the evidentiary procedure by influencing or intimidating the victim or the witness, or
- b) he would commit the attempted or prepared criminal offence, or would commit another criminal offence punishable with imprisonment against the victim.

(3) If the criminal procedure is initiated on the basis of a private motion, protection order shall not be issued before submitting the private motion.

(4) The decision on protection order shall be made by the court. The court may stipulate in the decision that the defendant is ordered to report at the investigating authority proceeding in the criminal procedure that underlies protection order in pre-specified intervals.

(5) The court shall send the decision to the victim. The decision on protection order shall be sent to the prosecutor even if protection order was motioned by the victim, the legal representative of the victim or the legal representative of a minor living in a joint household with the defendant [Sections 138/B (2) d)-f)].

(6) Prior to the submission of the indictment the investigating authority or the prosecutor, and after the submission of the indictment the court shall take all the measures regulated in Section 128 prompt after hearing the defendant.

(7) If the court decides to issue or amend the decision on protection order, in its decision it shall define the rules according to Subsection (1) in a way that does not retain the defendant from practising his rights that are concerned by point b) of Subsection (1) in relation to the victim.

#### **Section 138/B.**

(1) The court can issue protection order for a period lasting from ten to sixty days.

(2) The protection order can be motioned by

a) *the prosecutor,*

b) *the private accuser,*

c) *the substitute private accuser,*

d) *the victim,*

e) the legal representative of the incompetent or partially incompetent victim,  
and

f) the legal representative of the minor who lives in a joint household with the defendant.

(3) When during the term of keeping away the place of residence of the person designated in Section 138/A (1) b) changes or the changes taking place in the living conditions of this person or the defendant are so essential that require the amendment of the decision, the court may amend the decision on or terminate the protection order at the motion of the persons listed in subsection (2), the defendant and the counsel for the defense, and also ex officio after the submission of the indictment. The court shall proceed in the same manner when the coercive measure ordered for the defendant in the criminal procedure requires the modification or termination of protection order.

(4) When the court decides to amend or terminate protection order, it obtains its declaration that motioned the keeping away, as well as the motion of the prosecutor, the private accuser and the substitute private accuser. The court shall

set a term to submit the declaration and the motion, and if the term has elapsed without result, it shall pass its decision on the basis of the data available. The court shall also send the decision to the person designated in Section 138/A (1) b).

### **Section 139.**

(2) If the defendant violates the rules of protection order deliberately and fails to give reasons therefore subsequently, an order for his pre-trial detention may be issued or, if this is deemed unnecessary, a disciplinary penalty may be imposed.

### **Act LXXII of 2009 on protection order because of violence among relatives**

(Available in Hungarian on-line:

[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A0900072.TV&celpara=#xcelparam](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0900072.TV&celpara=#xcelparam))

The act came into effect on the 1st October 2009. It defines the persons and institutions having tasks related to the prevention of violence among relatives, e.g. district nurse, family doctor, child-welfare service, schools, guardianship authority, the police, the prosecution, the judiciary, probation service, victim support service, NGOs. The organization responsible for the coordination of family protection (namely the local guardianship authority) shall take the appropriate actions in order to prevent or interrupt the violence and inform the police. **The police** pass provisional preventive protection order **for maximum 72 hours** when all circumstances of the case lead to a well-established conclusion of violence. In three days **the court** decides on issuing preventive protection order. According to the decision of the court, the offender could be excluded from the victim's surroundings **for maximum 60 days**.

### **Act CXXXV of 2005 on Crime Victim Support and State Compensation**

(The act is available in Hungarian on-line:

[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A0500135.TV&celpara=#xcelparam](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0500135.TV&celpara=#xcelparam))

The scope of the Act extends to victims of sexual crime as well. It is the task of the Victim Support Service (which consists of the Victim Support Unit of Office of Justice and local victim support services at county seats) to provide free, fast and professional information on the rights and obligations of victims in criminal proceedings and on the health, insurance and social services the victims might obtain. Under the conditions specified by the Act victims can receive instant monetary aid, legal aid and state compensation.

### **Governmental resolution no. 1744/2013 (X.17.) on the National Crime Prevention Strategy (2013-2023)**

(available in Hungarian on-line:

[http://njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=164284.250601](http://njt.hu/cgi_bin/njt_doc.cgi?docid=164284.250601);

a short summary in English is available here: <http://eucpn.org/strategies/index.asp>)

**Trends:**

The trends of sexual crime could be analyzed on the basis of data recorded by the Uniform Register of Criminal Statistics.

Whereas under half of the victims of recorded sexual crimes were juveniles in 1997-1999, this proportion had risen to around 60 per cent in 2000-2001 (concerning the victims of all the violent crimes, this proportion is only 13.6 per cent).

Between 2000 and 2004 the number of recorded crimes against connubiality, family and youth<sup>1</sup> committed on children has risen to five times as much. 50 per cent of the victims of sexual assault were children.

60 per cent of sexual crimes were committed by people related or familiar to their victims. (At this point there is an overlap between sexual crime and domestic violence according to the Hungarian system of data-record and analysis.)

See the number of the most serious sexual crimes between 1996 and 2014 below:

	Rape	Sexual assault	Sexual abuse of children
1996	423	263	150
1997	392	248	185
1998	346	237	163
1999	331	212	218
2000	294	204	184
2001	321	185	178
2002	293	222	178
2003	256	279	196
2004	267	298	206
2005	264	378	215
2006	206	273	174
2007	215	253	166
2008	228	275	188
2009	214	297	188
2010	246	340	178
2011	196	266	168
2012	192	314	163
2013	191	254	174
2014	54	73	39

<sup>1</sup> Please note that the previous Criminal Code of Hungary (Act IV of 1978 on the Criminal Code) regulated sexual crimes under the title of Crimes Against Sexual Morality in Chapter XIV (Crimes Against Connubiality, Family and Youth) in the Special Part of the Act. The most serious sexual crimes were *rape*, *sexual assault* and *sexual abuse of children*.

Recorded criminal statistics under the new Criminal Code (Act C of 2012 on the Criminal Code which entered into force on the 1st July, 2013) are as follows:

	Sexual exploitation	Sexual violence	Sexual abuse
2013	21	57	11
2014	71	264	93

**Contacts:**

**National organisations:**

Ministry of Interior –

<http://www.kormany.hu/hu/belugyminiszterium>

Ministry of Justice –

<http://www.kormany.hu/hu/igazsagugyi-miniszterium>

Ministry of Human Capacities –

<http://www.kormany.hu/hu/emberi-eroforrasok-miniszteriuma>

National Police –

<http://www.police.hu/hirek-es-informaciok/bunmegelozes/aktualis>

Office of Justice, Victim Support Unit –

<http://kih.gov.hu/information-in-other-language>

National Crisis Telephone Information Service (OKIT) –

<http://www.bantalmazas.hu/>

Amnesty International Hungary –

<http://www.amnesty.hu>

NGO ESZTER (Ambulance – Help for Victims of Sexual Violence) Foundation –

<http://eszteralapitvany.hu/>

NGO Nane (Women for Women Together Against Violence) Association –

<http://www.nane.hu/>

NGO Kek Vonal Child Crisis Foundation (helpline) –

<http://www.kek-vonal.hu/index.php/en>

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